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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,321	10/21/2003	Se-Youn Lim	5000-1-500	4542
33942	7590	06/14/2007		
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652			EXAMINER KANG, SUK JIN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

55

# Office Action Summary

Application No.

10/690,321

Applicant(s)

LIM ET AL.

Examiner

Suk Jin Kang

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/4/04 and 2/9/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/690,321, filed on October 31, 2002.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statements have submitted on March 4, 2004 and February 9, 2006 have been considered by the Examiner and made of record in the application.

### ***Specification***

4. The disclosure is objected to because of the following informalities:
  - a) On page 6 line 14, replace "or" with --of--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by

**Claseman** (U.S. Patent # 7,177,325 B2).

Consider **claims 1 and 10**, Claseman discloses a method and an OAM sublayer for transmitting OAM (Operation, Administration and Maintenance) packet data by a control multiplexer (42, figure 6, column 6 lines 46-63) of the OAM sublayer (column 5 lines 49-57 and column 6 lines 5-11) in an Ethernet passive optical network (EPON) (column 2 lines 22-30), the OAM sublayer transmitting to a MAC (Medium Access Control) entity MAC client data transmitted from a MAC client (column 6 lines 52-63) and OAM packet data created in an OAM controller (40, figure 6, column 6 lines 53-58), the method comprising the steps of: if OAM packet data is generated by the OAM controller, giving to the OAM packet data priority higher than that given to MAC client data that is in the MAC client and that is waiting to be transmitted (column 7 lines 5-14); and multiplexing the OAM packet data and the MAC client data according to the priority and transmitting the multiplexed data to the MAC entity (column 7 lines 5-34).

Consider **claims 2 and 11**, and as applied to **claims 1 and 10** above, respectively, Claseman discloses the method and the OAM sublayer wherein the priority giving step comprises the step of determining whether OAM packet data is generated by the OAM controller (column 6 lines 52-58).

Consider **claim 3**, and **as applied to claim 2 above**, Claseman discloses the method wherein the determining step is performed by a control multiplexer (column 6 lines 52-58 and column 7 lines 22-34).

Consider **claim 4**, and **as applied to claim 3 above**, Claseman discloses the method wherein the multiplexing step is performed by the control multiplexer (column 6 lines 52-58 and column 7 lines 22-34).

Consider **claims 5 and 13**, and **as applied to claims 2 and 11 above**, respectively, Claseman discloses the method and the OAM sublayer wherein the determining step comprises the step of determining whether there presently exists in a queue said MAC client data that is in the MAC client and that is waiting to be transmitted (column 6 lines 58-67 and column 7 lines 1-10).

Consider **claim 6**, and **as applied to claim 5 above**, Claseman discloses the method wherein the determining step is performed by a control multiplexer (column 6 lines 52-58 and column 7 lines 22-34).

Consider **claim 7**, and **as applied to claim 6 above**, Claseman discloses the method wherein the multiplexing step is performed by the control multiplexer (column 6 lines 52-58 and column 7 lines 22-34).

Consider **claim 8**, and **as applied to claim 7 above**, Claseman discloses the method wherein if the MAC client data is determined to not exist in said queue, the multiplexing step comprises the step of assigning priority to the data according to an order in which the data was generated (column 6 lines 52-67 and column 7 lines 1-10).

(multiplexing according to an order in which the data is generated is the normal mode of operation according to Claseman whether or not MAC data exists in a queue or not).

Consider **claims 9 and 14**, and **as applied to claims 5 and 13 above**, respectively, Claseman discloses the method and the OAM sublayer wherein if the MAC client data is determined to not exist in said queue, the multiplexing step comprises the step of assigning priority to the data according to an order in which the data was generated (column 6 lines 52-67 and column 7 lines 1-10) (multiplexing according to an order in which the data is generated is the normal mode of operation according to Claseman whether or not MAC data exists in a queue or not).

Consider **claim 12**, and **as applied to claim 10 above**, Claseman discloses the OAM sublayer wherein the control multiplexer is configured to multiplex MAC client data and OAM packet data (column 6 lines 52-63).

Consider **claim 15**, and **as applied to claim 10 above**, Claseman discloses a computer program product having a computer-readable medium containing a computer program executable on a processor (column 6 lines 39-45), said computer program comprising the OAM sublayer (column 5 lines 49-57 and column 6 lines 5-11) wherein the control multiplexer (column 6 lines 52-58 and column 7 lines 22-34) is implemented as instructions of said computer program that multiplex the OAM packet data and the MAC client data in accordance with said priority (column 7 lines 5-34).

Consider **claim 16**, and **as applied to claim 15 above**, Claseman discloses the computer program product wherein the control multiplexer is configured for determining whether OAM packet data is generated by the OAM controller (column 6 lines 52-58).

Consider **claim 17**, and **as applied to claim 16 above**, Claseman discloses the computer program product wherein the control multiplexer is configured to multiplex MAC client data and OAM packet data (column 6 lines 52-63).

Consider **claim 18**, and **as applied to claim 17 above**, Claseman discloses the computer program product wherein the control multiplexer is configured for determining whether there presently exists in a queue said MAC client data that is in the MAC client and that is waiting to be transmitted (column 6 lines 58-67 and column 7 lines 1-10).

Consider **claim 19**, and **as applied to claim 16 above**, Claseman discloses the computer program product wherein the control multiplexer is configured for determining whether there presently exists in a queue said MAC client data that is in the MAC client and that is waiting to be transmitted (column 6 lines 58-67 and column 7 lines 1-10).

Consider **claim 20**, and **as applied to claim 15 above**, Claseman discloses the computer program product wherein the control multiplexer is configured for determining whether there presently exists in a queue said MAC client data that is in the MAC client and that is waiting to be transmitted (column 6 lines 58-67 and column 7 lines 1-10).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- a) Abdelhamid et al. (U.S. Patent # 6,023,467)
- b) Iwamoto (U.S. Patent Application Publication # 2001/0002909 A1)
- c) Fujita (U.S. Patent # 6,868,066 B1)

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Suk Jin Kang whose telephone number is (571) 270-1771. The examiner can normally be reached on Monday - Friday 8:00-5:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

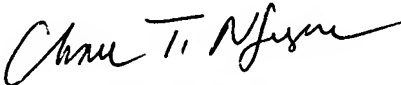


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Suk Jin Kang*  
S.J.K./sjk

May 30, 2007

  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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